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June 3, 2003

The Honorable Catherine C. Blake  
United States District Judge  
United States Courthouse  
101 West Lombard Street  
Baltimore, Maryland 21201

Re: Tipton et. al. v. Bureau of Prisons  
Civil Action No. CCB-03-153, 154, 192

Dear Judge Blake:

I am writing in response to the Court's request that the parties set forth a proposed schedule for the captioned litigation in light of the Court's May 15, 2003 decision to enter a preliminary injunction.

I am sure that the Court is aware that nothing the government does is simple or moves quickly. I am in the position now of having to prepare a memorandum to the Solicitor General recommending for or against an appeal of the preliminary injunction, and this requires me to involve various levels here in this Office as well as consult with the Bureau of Prisons. It strikes me as likely that if this Office and the Department of Justice do not approve an appeal, that the case would not proceed in active litigation, and that we could reach a settlement with the plaintiffs.

All of this is complicated by the fact that I am due to start a three month maternity leave on June 30, 2003. If the case continues to be active during that period it would have to be transferred to another Assistant. It is difficult to commit to a schedule on behalf of another person.

In light of these issues, I would respectfully request that the Court simply enter the usual scheduling order for a civil case, with the understanding that it might be subject to change for these contingencies. I would request that the government have at least thirty days to answer, to give me time to resolve the issue of appeal, to avoid any additional time being needlessly devoted to this litigation.

Very truly yours,

Thomas M. DiBiagio  
United States Attorney

By: \_\_\_\_\_  
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cc: Sarah Gannett, Esq.  
Eric Delinsky, Esq.  
Larry Nathan, Esq.  
Counsel for the Plaintiffs